

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT

Defendant Lynn Switzer moves this Court for summary judgment against plaintiff Henry Skinner on the grounds that there are no genuine issues as to any material fact and that Ms. Switzer is entitled to judgment as a matter of law concerning: (1) Skinner's Fourteenth Amendment due-process claim; (2) Skinner's Eighth Amendment claim; and (3) Ms. Switzer's defense of res judicata. *See* FED. R. CIV. P. 56; L.R. 56.1-65.7.

The legal and factual grounds on which Ms. Switzer relies in support of her motion are set forth in Defendant's Brief in Support of her Motion for Summary Judgment. Additionally, the evidence on which Ms. Switzer relies upon is contained in the Appendix to her brief.

Respectfully submitted.

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

DAVID C. MATTAX
Director of Defense Litigation

s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Solicitor General
State Bar No. 24075463

ARTHUR C. D'ANDREA
Assistant Solicitor General

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel. (512) 936-1695
Fax. (512) 474-2697

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify a copy of this motion and proposed order was served via ECF on June 1, 2011 to:

Robert C. Owen
OWEN & ROUNTREE
PO Box 40428
Austin, TX 78704
512/804-2661
Fax: 512/804-2685 FAX
Email: robowenlaw@gmail.com

Douglas Robinson
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
1440 New York Ave NW
Washington, DC 20005
202/371-7800
Fax: 202/371-7168
Email: drobinso@skadden.com

Maria Cruz Melendez
SKADDEN ARPS SLATE MEAGHER & FLOM LLP
Four Times Square
New York, NY 10036
212/735-2435
Fax: 917/777-2435
Email: maria.cruzmelendez@skadden.com

COUNSEL FOR PLAINTIFF

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Solicitor General